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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Honorable Larry Pressler
United States Senate
Washington, D.C. 20510

Dear Senator Pressler:

This is in reply to your letter of January 27, 1993, in which you inquired on behalf of your constituent, P.M. McGuigan, M.D., regarding the Notice of Proposed Rule Making (Notice) in PR Docket No. 92-235, 57 FR 54034 (1992). This Notice proposes comprehensive changes to the Commission's Rules governing the private land mobile radio services operating in the frequency bands below 512 MHz.

Those rules have been in place for over 20 years. While they have been amended on numerous occasions since that time, they nonetheless embody regulatory concepts based on yesteryear's technology and, unless changed, will stifle the growth and development of private land mobile radio technology and services, which are used primarily by local governments, public safety entities, and businesses to enhance their productivity. The Commission issued the Notice, therefore, to solicit comment from all interested persons on a wide variety of proposals designed to increase channel capacity, to promote more efficient use of these channels, and to simplify the rules governing use of these channels.

The proposals in the Notice reflect to a large extent concepts and proposals submitted in the initial inquiry stages of this proceeding. None of the proposals set forth in the Notice, however, are engraved in stone. Indeed, the proposals represent our best judgment at this stage of the proceeding on steps that must be taken to improve the regulatory climate for users of the private land mobile radio spectrum below 512 MHz. To this end, some of the critical issues that must be resolved relate to channel spacing, the amount of time provided to users to convert to new technical standards, how the 300 to 500 percent increase in channel capacity should be licensed, how the rules should be written to provide users technical flexibility, and whether the current nineteen radio services should be consolidated and, if so, how. I have enclosed for your information a copy of that part of the Notice that describes the numerous proposals.

Dr. McGuigan is specifically concerned about the impact of these changes on radio control (R/C) hobby users. Enclosed is a discussion paper concerning our proposals for the 72-76 MHz band. In short, we expect there would be no adverse impact on R/C operations because of any proposal contained in the Notice.

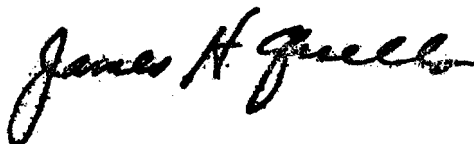
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Honorable Larry Pressler

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We are, of course, sensitive to the concerns of both users of private land mobile radio spectrum and R/C hobbyists. We will, therefore, take into careful consideration all their comments. As you have requested, your constituent's concerns will be included in the record of this proceeding and will be considered in developing our final rules.

Sincerely,

A handwritten signature in dark ink, appearing to read "James H. Quello". The signature is fluid and cursive, with the first name "James" and last name "Quello" clearly legible.

James H. Quello
Chairman

Enclosures:
Notice
Order
Discussion paper

cc:
Chief, PRBureau
Chief, LM&M Divison
Docket Files, Room 222
P&P Branch File (Pink)

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LETTER REPORT

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9300468	02/09/93	01/27/93	02/22/93	

TITLE	MEMBERS NAME	REPLY FOR SIG OF
Senator	Larry Pressler	JHQ

CONSTITUENT'S NAME	SUBJECT
P M McGuigan	inq. comments on PR Docket 92-235

REF TO	REF TO	REF TO	REF TO
PRB/hurd			

2-10-93

DATE	DATE	DATE	DATE
02/09/93			

REMARKS: Please prepare this letter on chairman letterhead
and for James H. Quello, Chairman and bring to
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*BT index: please check the
showing in model
letter OK? W9*

January 19, 1993

P.M. McGuigan, M.D.
4102 Carriage Hills Drive
Rapid City, SD 57702
(605) 348-6676

The Honorable Larry Pressler
United States Senate
Washington, DC 20510

Dear Senator Pressler,

I was the Chief of General Surgery on the USS REPOSE in Vietnam during the Tet offensives of 1968 and 1969. After a 15 year career in the Medical Corps of the U.S. Navy I resigned and entered private practice here in Rapid City. Following 18 years of busy and successful practice here I retired on 30 June 1991. Hoping to reap the fruits of my many years of labor, my lifelong avocation of building and flying radio-controlled airplanes has become my primary pastime; one which I share with several hundred thousand modelers across the country. In addition to being an active member of our local flying club I am the manager of The Gold Squadron Air Show Team, the only show team officially sanctioned by The Academy of Model Aeronautics in either of the Dakotas. On many occasions throughout the year our club, and the Air Show Team, fly demonstrations for crowds of spectators numbering from the hundreds to the thousands. Needless to say, solid control of our aircraft via the radio link is essential at all times, but especially during such public demonstrations.

I am very concerned about proposed rules that are currently under consideration by the Federal Communications Commission (FCC). The proceeding is PR Docket 92-235. If adopted, the new rules will greatly reduce the usability of frequencies currently assigned for model use and increase the risk of accidents and attendant liability for controlling model airplanes.

Our radio control frequencies are in the 72 - 76 MHz band. This band is primarily used for private land mobile dispatch operations. However, our radio control frequencies in this band are far enough apart from the land mobile frequencies that we have been able to share the band without either use interfering with the other. This occurred by means of a carefully planned phase-in of new frequencies with narrower spacing between frequencies resulting from an exhaustive effort by the Academy of Model Aeronautics, the FCC, and the manufacturers of our radio equipment over the period of 1982 to 1991. Modelers across the country have extensively and expensively updated and replaced previous equipment to operate in this new environment. The current receivers represent the latest in electronic development and are as accurate as the latest in electronic development.

Now the FCC wants to create more land mobile frequencies by splitting them into narrower bandwidths and rearranging the band plan. As a result, many land mobile frequencies will move closer to the radio control operations. I am told that of the 50 frequencies that are presently available for radio control of model airplanes, only 19 frequencies will be left if these new rules are adopted.

When we fly our model airplanes under radio control, we go to great lengths to assure the safety of the operators and bystanders and the protection of property. Many of our safety precautions involve the careful coordination and use of the radio control frequencies. If the number of usable frequencies is diminished as proposed by the FCC, the remaining frequencies will become congested and the margin of safety will be greatly decreased.

Please understand that many model airplanes have wing spans up to 10 feet or more, weigh as much as 30 or 40 pounds, and are capable of actual speeds in excess of 150 mph. The models themselves are expensive to build; but more to the point, they are capable of causing property damage, serious injury, or even death if radio interference causes the

